

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.: 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the :
natural parent and guardian of J.I., JUWAN :
HARRINGTON, CYDNEEA HARRINGTON, :
KENYA WALTON :
individually and as the natural parent and :
guardian of R.W., ZIYEL WHITLEY, :
DYAMOND WHITLEY, KAMISHA :
WHITLEY, and NANETTA GRANT as the :
natural parent and guardian of Z.G. :

Plaintiffs, :

vs. :

THE CITY OF RALEIGH, Officer OMAR I. :
ABDULLAH, Sergeant WILLIAM ROLFE, :
Officer RISHAR PIERRE MONROE, Officer :
JULIEN DAVID RATTELADE, and Officer :
MEGHAN CAROLINE GAY, in their individual :
capacities, :

Defendants. :

**Defendant Rolfe's
Amended LR 56.1 Statement of
Undisputed Material Facts**

Pursuant to Local Civil Rule 56.1, Defendant Rolfe submits the following amended statement of undisputed material facts.

UNDISPUTED MATERIAL FACTS

Defendant Rolfe adopts and incorporates by reference paragraphs 1 through 38, inclusive, of the Statement of Material Facts submitted by Defendant Omar Abdullah, filed as DE # 228, as well as the Appendix filed by Defendant Abdullah, DE # 229, and the Declaration of William Rolfe, filed at DE # 212-1.

Additionally, Defendant Rolfe contends that the following material facts are not the subject of any genuine dispute:

39. William Rolfe was the Sergeant of the Vice Unit on and before May 21, 2020. [2nd Amend. Compl., DE # 93, at ¶¶ 24, 45; *see also* Rolfe depo. p. 8, lines 8-10].

40. Rolfe did not have any prior knowledge of, or involvement in, the arrest of Marcus VanIrvin on May 20, 2020, Abdullah's application for a search warrant for 1628 Burgandy Street, or the search of the Burgandy Street properties occupied by Plaintiffs. This was due to the fact that Rolfe was on vacation that week and was out of town. [Rolfe depo. pp. 42, line 23 to 44, line 2; p. 160, lines 4 to 11; p. 163, line 23 to p. 164, line 7; p. 15, lines 19 to 22; Rolfe Decl. ¶ 3].

41. Rolfe did not typically review the audio recordings or videos of controlled buys made by the detectives in the Vice Unit because he believed it was each detective's responsibility to consult with the prosecutor to determine whether the audio and video evidence was sufficient for a prosecution. [Rolfe depo. p. 34, lines 3 to 8; Rolfe Decl. ¶ 4].

42. Rolfe has never served as a supervisor for the SEU Unit. Even if he had been working during the week in which the search warrant at issue in this lawsuit was executed, he would not have been tasked with directing the manner in which the SEU Unit officers executed the search warrant because he did not know their standards or practices. [Rolfe Decl. ¶ 5].

43. Rolfe did not believe that Abdullah acted dishonestly or was ever personally profiting from his interactions with Dennis Williams. [Rolfe depo. pp. 89, line 25 to 90, line 3; p. 92, lines 12 to 21; Rolfe Decl. ¶ 6].

This the 1st day of May, 2023.

CROSSLEY McINTOSH COLLIER HANLEY & EDES PLLC

/s/Norwood P. Blanchard III

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of May, 2023, I electronically filed the foregoing **Defendant Rolfe's Amended LR 56.1 Statement** with the Clerk of Court using the CM/ECF system, which will electronically serve counsel for the following parties:

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This the 1st day of May, 2023.

/s/Norwood P. Blanchard, III
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